

# Exhibit B

CONDENSED

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2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF NEW YORK

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4 TD BANK, N.A.,

5 PLAINTIFF,

6 -against-

7 JP MORGAN CHASE BANK, N.A. and MAX KAHAN, INC.,

8 DEFENDANTS.

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9 DATE: February 24, 2011

10 TIME: 9:57 a.m.

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12 EXAMINATION BEFORE TRIAL of the Defendant,  
13 JP MORGAN CHASE BANK, N.A., by CHUN XIAO FAN,  
14 taken by the CoDefendant, pursuant to a Notice,  
15 held at the LAW OFFICES<sup>2</sup> of SHELDON EISENBERGER,  
16 30 Broad Street, New York, York, before Phyllis  
17 F. Russek, a Shorthand Reporter and Notary Public  
18 of the State of New York.

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21  
22  
23 RAPID REPORTING LLC  
24 254 South Main Street, Suite 216  
New City, New York 10956  
(718) 310-0704

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1 FAN  
 2 A Hardly, he could read a little bit.  
 3 Q Okay. Did you read any documents to  
 4 him -- withdrawn.  
 5 At that first meeting in Shanghai,  
 6 did you actually open up a bank account for him?  
 7 A Bank account already opened.  
 8 Q He had a bank account opened?  
 9 A Yes.  
 10 Q When did he open the bank account?  
 11 A 2006.  
 12 Q How did he open that bank account?  
 13 MS. WEISS: Objection to the form.  
 14 A We can open -- we can open accounts.  
 15 Q When you say we, I don't know what  
 16 that means.  
 17 A I mean, I --  
 18 Q Well, who opened the bank account?  
 19 A I opened it.  
 20 Q But you never met Mr. Yao?  
 21 A Yes.  
 22 Q So, how did you open the bank  
 23 account?  
 24 A We -- yeah, he's referred to me by  
 25 our existing client.

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1 FAN  
 2 account, you had still not met Mr. Yao, correct?  
 3 A Yes.  
 4 Q So, when Mr. Yao transferred the  
 5 funds into the bank account that was opened, you  
 6 had not yet gotten a customer profile source of  
 7 the funds; is that correct?  
 8 MS. WEISS: Objection.  
 9 A I have the form, yes.  
 10 Q You had the form that he filled out?  
 11 A I filled out, yeah.  
 12 Q Did you do any verification as to  
 13 that form to see if any of it was accurate and  
 14 correct?  
 15 A No.  
 16 Q Do you know if that form has to be  
 17 signed by Mr. Yao?  
 18 A Yes.  
 19 Q Does it have to be notarized by Mr.  
 20 Yao?  
 21 A No.  
 22 Q It doesn't have to be, okay. Now,  
 23 and you had -- Mr. Yang was doing this. Do you  
 24 know if Mr. Yang had a Power of Attorney?  
 25 MS. WEISS: Objection to the form.

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1 FAN  
 2 Q Which is -- who is your existing  
 3 client?  
 4 A Mr. Yang, and then we have forms for  
 5 him to complete.  
 6 Q You had forms for Mr. Yao to  
 7 complete?  
 8 A Right.  
 9 Q And you gave it to Mr. Yang?  
 10 A Yes, and Mr. Yang gave it to Mr. Yao.  
 11 Q Then Mr. Yao filled it out?  
 12 A Filled out the forms, yes.  
 13 Q And then Mr. Yao then gave it to Mr.  
 14 Yang, or did he send it to you?  
 15 A I don't recall now whether he sent it  
 16 to me or gave it to Mr. Yao. I don't recall.  
 17 Q So, let me understand. When the  
 18 account was opened, you had not yet met Mr. Yao,  
 19 correct?  
 20 A Yes.  
 21 Q When the account was opened, was  
 22 there a transfer of funds into the account?  
 23 A Opened with zero, other than Mr. Yao  
 24 went to Hong Kong, I believe, to wire funds.  
 25 Q When he wired the funds into the bank

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 1 FAN  
 2 Q To act on behalf of Mr. Yao.  
 3 MS. WEISS: Objection to the form.  
 4 A Say it again.  
 5 Q Do you know if Mr. Yang had a Power  
 6 of Attorney to act for Mr. Yao's benefit?  
 7 MS. WEISS: Objection to the form.  
 8 A Mr. Yao always asked Mr. Yang to  
 9 manage his account.  
 10 Q Okay. That's not my question.  
 11 Please answer my question. Okay? My question  
 12 is, did Mr. Yang have a Power of Attorney to act  
 13 on behalf of Mr. Yao?  
 14 MS. WEISS: Objection to the form.  
 15 A Yes.  
 16 Q When did Mr. Yang have that Power of  
 17 Attorney? When did he obtain it?  
 18 A I don't recall exactly.  
 19 Q Did he have the Power of Attorney to  
 20 act on Mr. Yao's behalf when Mr. Yao's account  
 21 was opened up?  
 22 A Not at the beginning.  
 23 Q Not at the beginning. So, you were  
 24 dealing with Mr. Yang before he had a Power of  
 25 Attorney to act on Mr. Yao, correct?

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